

Docket No.: PHOE0001-100
Filing Date: September 29, 2003

PATENT
Serial No.: 10/674,666

REMARKS

Claims 1-51, all the pending claims, are subject to a restriction requirement.

No new matter has been added.

RESTRICTION / ELECTION OF SPECIES REQUIREMENT

The Examiner required Applicant to elect one of nine patentably distinct inventions for examination. The Office Action alleges that each of the inventions is distinct because, *inter alia*, each of the inventions "requires a different field of search." (Office Action at page 3). The Office further requires election of species. Applicant respectfully disagrees.

Restriction Requirement

Applicant provisionally elects herein Group I, encompassing "claims 1-22, 25, 30-31 and 41-43, drawn to a method of inhibiting replication of one or more viruses in an individual".

Election of Species Requirement 1

The Office requires election of a species of "compound" and lists the asserted species on page 3 of the Office Action. Applicant notes that the Office has listed "antibiotics, antifungals, antiprotozoan drugs ..." followed by specific antiviral compounds, instead of listing the broad class of "antivirals" as a species which would appear to be a more consistent requirement for election in view of the aforementioned listing of antibiotics, antifungals, antiprotozoan drugs.

Accordingly, Applicant elects "antivirals" as the "compound" to be searched. Notwithstanding the foregoing, however, should the Office not agree that the class of "antivirals" is a proper species for election, Applicant then elects the specific antiviral "pegylated interferon-alpha" for examination.

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Election of Species Requirement 2

The Office requires election of a species of "linker". Applicant elects "succinimide group" as the linker.

Election of Species Requirement 3/4

The Office requires election of a specific set of arginine deiminase amino acid sequences for examination and further requires election of a specific sequence from the elected set. Applicant elects the set of sequences including SEQ ID NOS: 1-4 and further elects the species SEQ ID NO:1 for examination.

Claims 1-22, 25, 30-31 and 41-43 read on the elected species.

Notwithstanding the foregoing, Applicant respectfully submits that no serious burden would be imposed upon the Examiner by combining several of the groups. Applicant notes with appreciation the Office's acknowledgement that should the "treating populations" or the "listed effects" of one or more of Groups I, II, III, IV, V, VI, VII, VIII and IX overlap extensively, "the Examiner will appropriately merge the inventions." (Office Action at pages 3-4). Applicant asserts that Groups I and II are particularly suitable for merging and respectfully requests the same. Applicant believes that combining several of the groups will foster greater efficiency for both the Patent Office and for Applicant.

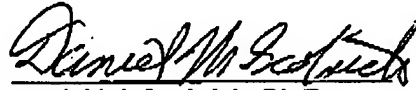
Applicant reserves the right to prosecute the claims encompassed by any of the non-elected groups in future divisional applications.

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The examination of these claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicant invites the Examiner to contact the undersigned to clarify any unresolved issues raised by this response.

Respectfully submitted,



Daniel M. Scolnick, Ph.D.
Registration No. 52, 201

Date: October 22, 2004
COZEN O'CONNOR, P.C.
1900 Market Street
Philadelphia, PA 19103-3508
Telephone: (215) 665-2000
Facsimile: (215) 701-2004

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